

Resolution 2023-24: 23
Phase III PLA Study Contract Approval

By Board Member Richard Perrin

WHEREAS, the Rochester School Facilities Modernization Program Act (“Act”) established the Rochester Joint Schools Construction Board (“RJSCB” or “Board”), a seven voting member board consisting of equal representation by the City of Rochester (“City”) and the Rochester City School District (“District”), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the New York State Legislature amended the Act by enacting Chapter 533 of the Laws of 2014 (“Amended Act”), thereby providing alternative financing mechanisms for the reconstruction of up to 26 projects for a total cost of \$435,000,000 for Phase II; and

WHEREAS, the New York State Legislature amended the Amended Act by enacting Chapter 614 of the Laws of 2021 (“Second Amended Act”) to authorize additional oversight, transparency, and accountability by the New York State Education Department to ensure projects are completed on time and within budget, and to provide alternative financing mechanisms for the reconstruction of up to 12 projects for a total cost of \$475,000,000 for Phase III; and

WHEREAS, the Act allows the RJSCB to require contractors, as condition to being awarded a contract for a RSMP project to enter into a project labor agreement (“PLA”) “when the RJSCB determines that the record supporting the decision to enter into such an agreement establishes that it is justified by the interests underlying the competitive bidding laws”; and

WHEREAS, the RJSCB hired Seeler Engineering, P.C. to perform PLA studies for Phases I and II of the RSMP to evaluate potential costs/benefits of utilizing a PLA for those Phases; and

WHEREAS, the RJSCB approved the use of a PLA for Phase I of the RSMP; and

WHEREAS, the Act further allows the RJSCB to revise and extend the requirements of the Phase I PLA to the Phase III projects contingent upon the completion of a supplemental PLA benefit analysis; and

WHEREAS, the RJSCB intends to consider whether a PLA is appropriate for Phase III of the RSMP and has received a proposal from Seeler Engineering, P.C. to evaluate potential costs/benefits of utilizing a PLA for Phase III; and

WHEREAS, the Program Manager has recommended to the RJSCB that the proposal of Seeler Engineering, P.C. be accepted and that it be engaged to provide PLA consulting services as part of Phase III of the RSMP; and

WHEREAS, the RJSCB considered and discussed the Program Manager’s recommendation at its February 12, 2024 meeting, and after due deliberation and further consideration of proposal for PLA consulting services, the RJSCB now acts as follows.

THEREFORE, BE IT RESOLVED:

1. RJSCB hereby accepts the proposal of Seeler Engineering, P.C. for PLA consulting services and approves the issuance of an agreement to Seeler Engineering, P.C. to provide such services; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an agreement to Seeler Engineering, P.C., with such changes as the Chair may approve on the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Jesse Dudley

Adopted: 7-0